

U.S. Citizenship & Qualified Alien Policy For Medical Programs



Utah Department of Health Bureau of Eligibility Services June 2005

Table of Contents

Page	#
U.S. Citizenship Criteria for Medical Programs	
Terms	1
Declaration of Citizenship	3
Form 61A-A - Affidavit of Citizenship/Immigration Status	4
Steps to Determine U.S. Citizenship	5
Step #1. Who is a U.S. Citizen?	5
Form 61A-FA - Automatic Citizenship	8
Step #2. Protected Alien SSI Recipients	9
Step #3. Who is a Qualified Alien? 1	0
Step #4. Entry Date of a Qualified Alien 12	2
5-Year Ban	2
Date of Entry	2
Step #4a. Before August 22, 1996 1	3
Step #4b1. After August 22, 1996/Exceptions 1	4
Step #4b2. After August 22, 1996/5 Year Ban 1	5
Quick Reference Alien Status Chart	7
Sponsored Aliens 18	8
Coding Qualified Aliens on PACMIS ETRC Screen 19	9
Verifications	0
Miscellaneous Information	1
Citizenship Questions	2
Citizenship Answers	3

Terms

5 Year Bar

Some qualified aliens who entered the U.S. after Aug. 26, 1996 are barred from receiving full Medicaid, PCN, QMB, SLMB, QI-1 or CHIP benefits for five years from the date they obtained qualified alien status.

Emergency-Only Medicaid

Emergency Medicaid provides coverage only for emergency services to individuals who meet all the requirements for a Medicaid program but are not U.S. citizens and do not meet the eligible qualified alien status requirements for full Medicaid coverage. Emergency Medicaid is not a separate type of Medicaid.

Freely Associated States

Independent island nations which have a legal association with the United States which allows free trade as well as unrestricted travel between the islands and the U.S. They include the islands of Micronesia, Palau, and the Marshall Islands. Citizens of Freely Associated States are not automatically Qualified Aliens for Medicaid purposes.

Qualified Alien

An alien who is lawfully admitted for permanent residence who meets the requirements set out in a series of laws passed since August 22, 1996, (Immigration and Nationality Act, INA). Some qualified aliens are barred from receiving full service Medicaid and may receive coverage only for emergency services for five years from the date they obtained qualified alien status. After determining that an alien is a qualified alien, it is necessary to determine if the alien is subject to the five-year bar. A qualified alien is eligible to receive full Medicaid services, if they are not subject to the 5 year bar and is otherwise eligible.

SAVE

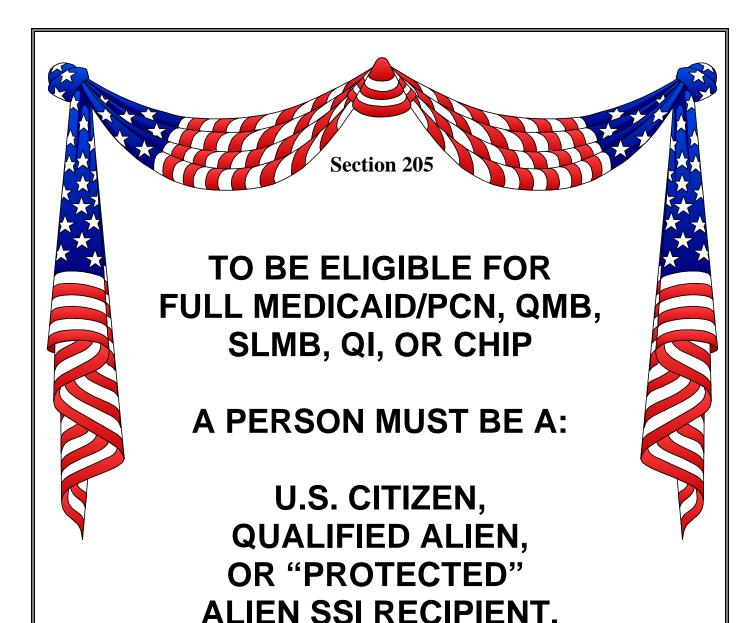
Systematic Alien Verification for Entitlements. This is a computerized information exchange system that gives us information from USCIS to verify alien residency status.

Sponsor Deeming

When an individual sponsor signs an USCIS Form I-864, Affidavit of Support for an immigrant, income from the alien's sponsor must be deemed to the alien when determining eligibility for Medicaid.

USCIS

U.S. Citizenship and Immigration Services (formally USCIS).



DO **SAVE** PROCEDURES TO VERIFY ALIEN STATUS ON **ALL** PEOPLE WHO ARE NOT U.S. CITIZENS UNLESS THEY CLAIM TO BE AN ILLEGAL ALIEN.

**Emergency Medical Services are only available to those who meet a Medicaid Category. FM-O, PCN, CHIP, QMB, SLMB and the QI Groups do not offer services to those individuals who are not U.S. citizens or do not meet Qualified alien criteria. If the individual is an illegal/non-documented alien, they must have an emergency medical need and meet a Medicaid category for possible Emergency Medical eligibility.

Declaration of Citizenship

ONE adult in the household must certify that all household members who receive benefits are citizens of the U.S. or have been granted legal immigration status by the U.S.

Signing the appropriate page of the application form completes this eligibility requirement.

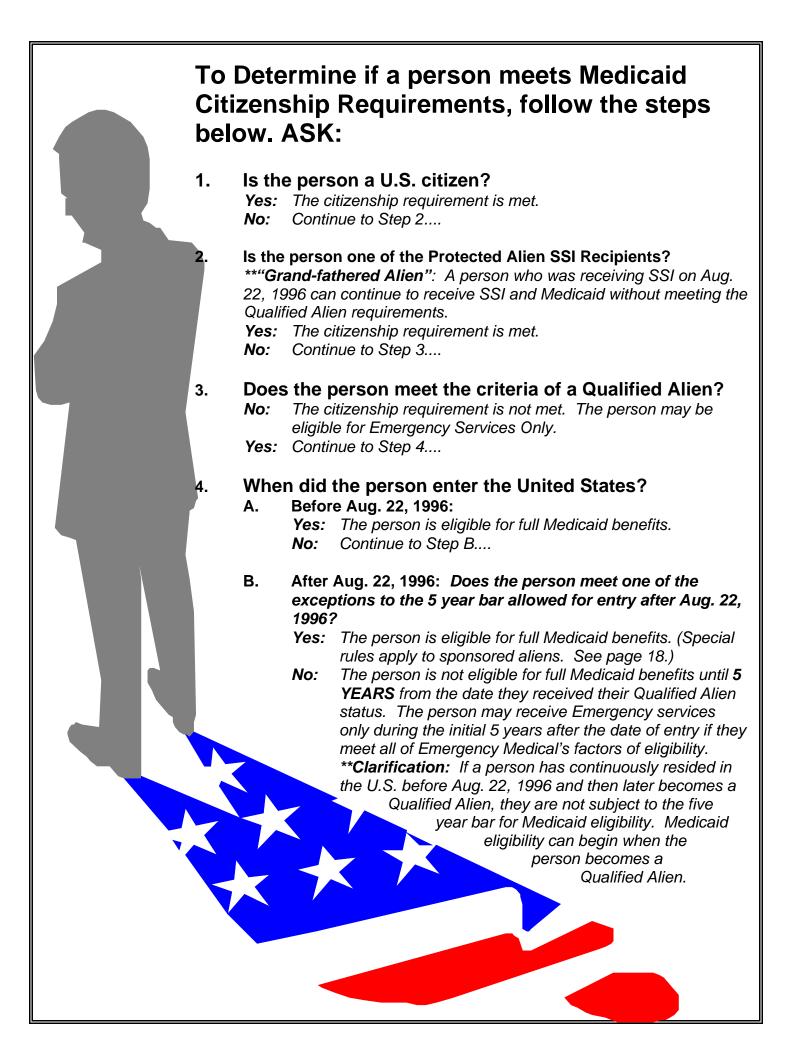
A new signature is required whenever a person is added to the household.

Use Form 61A-A or 61C.



A household who does not complete this requirement is NOT eligible for Medicaid assistance.

Department of Health /Departmen Form 61A-A 6/05 AFFIDAVIT OF CITIZENSHIP/II	
Case Name:	Case Number:
U.S. citizenship or legal immigration status must be decident benefits. You have requested medical benefits for a new the household is required to declare the citizenship or in members. Please list all new household members and commigration status. Complete the form by signing below	w person(s) in your household. One adult in nmigration status for new household theck the box which shows their citizenship or
NAME:	
Check one Box ☐ U.S. Citizen or National ☐ Alien Lawfully Admitted for Permanent Residence ☐ Other - Specify USCIS Status Alien Registration Number	
NAME:	
Check one Box ☐ U.S. Citizen or National ☐ Alien Lawfully Admitted for Permanent Residence ☐ Other - Specify USCIS Status_ Alien Registration Number	_
NAME:	
Check one Box ☐ U.S. Citizen or National ☐ Alien Lawfully Admitted for Permanent Residence ☐ Other - Specify USCIS Status Alien Registration Number	
I declare, under penalty of perjury, that the person United States or have been given legal immigration members who do not meet this requirement are may be eligible for emergency Medicaid services subject to proof of our citizenship or legal immigration Naturalization Services (USCIS) by the Utah Depincorrectly reported information may affect my eligible.	on status. I understand that household not eligible for regular Medicaid benefits but. I or any member of my household will be ation status through the Immigration and partment of Health. I understand that any
Adult Signature	Date





CITIZENSHIP

STEP 1. WHO IS A U.S. CITIZEN?

<u>Born in United States</u> - Person born in any of the 50 states, the District of Columbia, Puerto Rico, Guam, U.S. Virgin Islands, Northern Mariana Islands, American Samoa and Swain's Islands. (Proof of place of birth verifies citizenship.)

<u>Naturalized Citizen</u> - Person who was not born in the U.S. that has satisfied the naturalization requirements. (Will have Certificate of Naturalization.)

<u>U.S. Citizen Born Abroad</u> - A person born outside of the United States to a parent who was a U.S. citizen at the time the person was born, is also considered to be a U.S. citizen for Medicaid purposes.

<u>Automatic Citizenship</u> - Automatic acquisition of U.S. citizenship for certain alien children. A biological or adopted alien child automatically acquires U.S. citizenship without naturalization on the date, (no earlier than Feb. 27, 2001), the child meets the following criteria simultaneously:

- Under age 18, living in the U.S. and is a legal permanent resident status.
 No automatic citizenship if turned 18 prior to Feb. 27, 2001 or turns 18 before parent becomes a U.S. citizen.
- One parent is a U.S. citizen by birth or naturalization.
 →Parent may become naturalized after the birth or adoption.
- Resides in the legal and physical custody of a U.S. citizen parent, AND
- Adopted child adoption must be finalized (before, on or after February 27, 2001) either in the country from which the child is being adopted or in the U.S.

Note: A step-child of U.S. citizen parent is not allowed to acquire automatic citizenship, unless the U.S. citizen parent has formally adopted the alien step-child before the step-child turned age 16.

Remember: Automatic citizenship becomes effective the date <u>ALL</u> of the requirements are met at the same time before the child turns age 18; however, it cannot be prior to Feb. 27, 2001. Proof would be either a certificate of citizenship through USCIS, U.S. Passport, or certification of a parent on Form 61A-FA.

Examples of Automatic Citizenship:

- 1. Jon was adopted when he was 8 in the country of his birth before coming to the U.S. He has been a lawful permanent resident since arriving in the U.S. on January 16, 2000. His adoptive father is a U.S. citizen and his adoptive mother is a lawful permanent resident. His parents separated on July 8, 2000 and Jon stayed with his mother. On March 13, 2001, Jon's adoptive parents reconcile and his father returns to the home. Jon is a U.S. citizen, effective March 13, 2001 the first day since February 27, 2001 when he satisfied al of the criteria for automatic citizenship. Even if his parents later separate again, leaving him in his mother's custody, he will never lose his U.S. citizenship.
- 2. Kim was born in Taiwan and immigrated to the U.S. as a lawful permanent resident with her mother on April 15, 1999. Her mother became a naturalized citizen on July 4, 2004. Kim was 7 years old and living with her mother at that time. She became a U.S. citizen on July 4, 2004.

AFFIDAVIT OF CITIZENSHIP/ALIEN STATUS AUTOMATIC CITIZENSHIP

Effecti	ive February 27, 2001, some foreign-born children may become U.S. citize	ens
automa	atically. I declare, under penalty of perjury, that (I/my child)	
	, who was born outside the U.S., satisfies the follow	ving criteria for
automa	atic citizenship on or after February 27, 2001:	
[]	Adoption either in the U.S. or in any other country I adopted my child on in	AND
	OR I was adopted on in	
	(Date) (State or country)	
[]	U.S. Citizenship of at least one adoptive parent Name of citizen parent: Date of citizenship of parent	AND
[]	Permanent residence in the U.S. Date that my child or I became a permanent resident:	AND
[]	Residence in the legal and physical custody of a U.S. citizen parent Citizen parent with child custody: Dates of custody: to	AND
[]	Satisfaction of all criterion before turning 18 years of age. My child is years of age.	
	child is a minor, a parent or guardian must sign this form. The adopted chonly if he or she is legally emancipated.	ild may sign this
Parent	of minor child or Client's Signature Date	

STEP 2. "PROTECTED" ALIEN SSI RECIPIENTS

Vol. IIIF and IIID Sections 205-2 & 335

Certain aliens have received special protection under laws which amend the welfare reform law passed on August 22, 1996. These aliens may continue to receive SSI and Medicaid without meeting the additional Qualified Alien eligibility criteria such as the military exception or the 40 qualifying quarters of work. These "Protected Aliens" include the following four groups:

- Aliens who were lawfully residing in the U.S. and were receiving SSI benefits on August 22, 1996 will continue to receive SSI as long as they continue to meet all other SSI eligibility criteria. Such alien SSI recipients cannot be terminated or denied Medicaid benefits on the basis of alien status.
- 2. Aliens who are receiving SSI and had applied for SSI prior to January 1, 1979 and for whom alien documentation is inconclusive, will continue to receive SSI as long as they continue to meet all other eligibility criteria. These individuals will continue to receive SSI and cannot be terminated or denied Medicaid benefits on the basis of alien status.
- 3. Aliens who were lawfully residing in the U.S. on August 22, 1996 who become disabled or blind can receive SSI benefits without meeting additional alien status eligibility criteria. (A person over age 65 would have to be blind or disabled to qualify under this provision.) An alien who begins receiving SSI benefits and meets the above residency requirement cannot be denied Medicaid benefits on the basis of alien status.
- 4. Aliens who do not meet the requirements in 1. or 2. above, but who were receiving SSI on August 22, 1996 will continue to receive SSI benefits. They can receive SSI benefits as long as they continue to meet all SSI criteria except for the citizenship or alien status requirements.

These aliens can receive Medicaid as long as SSI benefits continue. If their SSI benefits end, determine if they meet the alien status requirements for Medicaid. If the person loses SSI and does not meet qualified alien status or has not been naturalized, the Medicaid case must be closed. The person would only be eligible for Emergency-Only Medicaid. If they later receive qualified alien status from USCIS, they can reapply for Medicaid and SSI.

Citizenship Verification Requirements:

- If a person receives SSI benefits and can show they lived in the U.S. on or before Aug. 22, 1996, their alien status does not need to be verified.
- If the SSI record shows the person was receiving benefits in August 1996, do not require any other proof that the person was living in the U.S. before August 22, 1996.
- If the SSI benefits started after August 22, 1996, as in the case of people described in 3. above, and the person does not have a resident alien card from USCIS, ask the person to prove he or she was living in the U.S. before August 22, 1996, do not ask for any other proof of alien status.

Workers may accept a variety of verifications to show that a person was living in the U.S. before August 22, 1996. Examples include work records, driver's license, and receipts from rent, utilities, home taxes, medical records, etc., dating back to August 1996. Document on CAAL and in the case file that the person meets one of the above four requirements.

STEP 3. WHO IS A QUALIFIED ALIEN?

An alien who is lawfully admitted for permanent residence under various sections of the INA. The following categories are Qualified Aliens.



- →Lawfully admitted into the U.S. for PERMANENT RESIDENCE under the Immigration and Nationality Act. This includes Amerasian immigrants. Proof is an USCIS Form I-551 or I-15 or an USCIS Form I-94 with class codes AM1, AM2, AM3.
- ◆Admitted into the U.S. as a <u>REFUGEE</u> under section 207 of the INA. Proof is an USCIS Form I-94. The resident alien card will be coded RE6, RE7, RE8, or RE9.
- ◆ Granted CONDITIONAL ENTRY under section 203(a)(7) of the INA and is in effect prior to April 1, 1980. Proof is an USCIS Form I-94 stamped "Refugee-Conditional Entry."
- → Granted <u>ASYLUM</u> under section 208 of the INA. Use the date asylum was granted on the I-94 as the date of entry for RMA benefit purposes. Proof is an USCIS Form I-94 and/or a letter establishing this status. Resident alien card will be coded AS6, AS7, or AS8.
- → PAROLED into the US under section 212(d)(5) of the INA for a period of at least 1 year. Proof is an I-94 stating that he has been paroled under Section 212(d)(5) of the INA or stamped "Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981."
- → DEPORTATION IS BEING WITHHELD under section 243(h) of the INA (status granted up through September 30, 1996), or under section 241 (b)(3) after September 30, 1996.
 Proof is an order from an immigration judge showing that deportation has been withheld. If deportation is being withheld under another section of the INA, the person is not a qualified alien.
- **↔Granted status as a <u>CUBAN AND HAITIAN ENTRANT</u>** as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
- **↔Admitted as an <u>AMERASIAN</u> immigrant.** These individuals may enter as refugees or lawful permanent residents.
- → <u>AMERICAN INDIAN BORN IN CANADA</u> who is at least one-half American Indian. They are considered lawful permanent residents, but will not have USCIS documents. A statement from the tribe is acceptable verification. They are not subject to the five-year bar for eligibility.
- **→BATTERED ALIENS** who meet the conditions set forth in 431 ©) PRWORA, as added by Sec. 501 of the illegal Immigration Reform and Immigrant Responsibility Act of 1996.
- ◆Certified as a <u>VICTIM OF SEVERE HUMAN TRAFFICKING</u> under 107(b)(1) of the Trafficking Victims Protection Act of 2000, PL 106-386. Will have a letter of certification.

QUALIFIED ALIEN CATEGORIES FOR MEDICAID ELIGIBILITY

Applicable Effective Date is August 22, 1996

Is the person a lawful permanent resident?		Yes	Qualified Alien - See page 16		
No					
Was the person admitted as a refuge	ee under section 207 of the INA?	Yes	Qualified Alien - See page 16		
	No	1			
Was the person granted asylum und	er section 208 of the INA?	Yes	Qualified Alien - See page 16		
	No				
Was the person granted conditional of INA?	entry under section 203(a)(7) of the	Yes	Qualified Alien - See page 16		
	No				
Was the person admitted as a parole section 212(d)(5) of the INA?	ee, for at least one year, under	Yes	Qualified Alien - See page 16		
	No				
Is the person's deportation being withheld under section 243(h) or 241(b)(3) of the INA?		Yes	Qualified Alien - See page 16		
	No				
Was the person granted status as a	Cuban and Haitian entrant?	Yes	Qualified Alien - See page 16		
	No		_		
Was the person admitted as an Ame	rasian immigrant?	Yes	Qualified Alien - See page 16		
	No		_		
Is the person an American Indian bo	rn in Canada?	Yes	Qualified Alien - See page 16		
	No				
Does the person meet the Battered A	Alien criteria?	Yes	Qualified Alien - See page 16		
	No				
Does the person meet criteria of Vict	tims of Trafficking?	Yes	Qualified Alien - See page 16		
	No				
Is the person receiving SSI?		Yes	Qualified Alien - See page 16		
	No				
Person is NOT a qua	alified alien - may only receiv	e Eme	ergency Medicaid.		

STEP 4. ENTRY DATE OF A QUALIFIED ALIEN

If the person falls into one of the categories for a Qualified Alien, the next step is to determine when they entered the United States (before or after August 22, 1996). Just because they are a Qualified Alien does not mean they are eligible for full Medicaid services.

5 -Year Bar

Some qualified aliens are barred from receiving regular Medicaid PCN, QMB, SLMB, QI-1 or CHIP for five years from the date they obtained qualified alien status. Only immigrants who entered the country on or after August 22, 1996 can be subject to the five-year bar.

Aliens who have been granted certain alien statuses or meet certain conditions can be eligible for Medicaid, PCN, QMB, SLMB, or QI-1 and are not subject to the five-year bar regardless of their entry date.

Date of Entry

The 5 year ban on eligibility <u>does not</u> apply to any qualified alien who entered the US **prior** to Aug. 22, 96, even if they did not meet qualified alien status upon entry. The **date of entry** refers to the date the person actually came to the US and began residency. It may not be the date on a person's USCIS residency card.

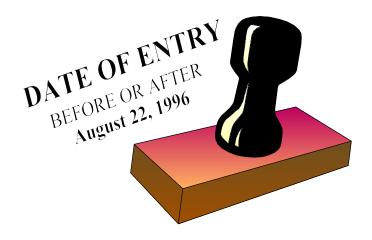
- O When determining if a person entered the U.S. before Aug. 22, 1996, it does not matter if the immigrant entered the U.S. legally or illegally, or whether a legal entrant maintained a legal status with USCIS for the whole time they have resided in the U.S.
- O When determining if a person has resided in the U.S. continuously, any single absence of more than 30 days or multiple absences totally more than 90 days is considered to interrupt the continuous residence.
- O The applicant's qualified alien status must be valid at the time of application.

Once an entry date is determined, choose from the following steps ~ 4a or 4b1 or 4b2 ~

◆ STEP 4a. ~ Entered Before August 22, 1996

If the qualified alien entered the U.S. before August 22, 1996 and has CONTINUOUSLY resided in the U.S. from their date of entry through the date they became a qualified alien, they are eligible for full Medicaid, PCN, QMB, SLMB, QI or CHIP benefits immediately upon obtaining qualified alien status and are not subject to the 5 year bar.

Note: An alien who was residing in the US before Aug. 22, 96 may be able to become a qualified alien. They need to apply to USCIS for residency status. If the person was residing in the US before Aug. 22, 96 and receives a qualified status <u>after</u> Aug. 22, 96, they are not subject to the 5 year ban. **However,** they are not eligible for Medicaid until they become a qualified alien.



→STEP 4b1 ~ Entered after August 22. 1996 and meets an EXEMPTION.

If the qualified alien entered the U.S. after August 22, 1996 they are eligible for full Medicaid, PCN, QMB, SLMB, QI-1 or CHIP benefits if they meet one of the EXCEPTIONS listed below:

- O An alien who is admitted as a **REFUGEE** under section 207 of the Immigration and Nationality Act (INA).
- O An alien who is granted **ASYLUM** under section 208 of the INA.
- An alien shows **DEPORTATION HAS BEEN WITHHELD** under section 243(h) of the INA (prior to September 30, 1996), or under section 241(b)(3) of the INA after September 30, 1996.
- O An alien granted status as a **CUBAN and HAITIAN ENTRANT** as defined in section 501 (e) of the Refugee Education Assistance Act of 1980.
- O An alien admitted as an **AMERASIAN** immigrant.
- O An **AMERICAN INDIAN BORN IN CANADA** who is at least one-half American Indian.
- A qualified alien who is a **VETERAN** with an honorable discharge from the Armed Forces of the United States. The spouse and unemancipated dependent children of the veteran may also qualify if they too are qualified aliens and are considered to be household members. The spouse of a deceased veteran that has not remarried, may also qualify if he or she is a qualified alien.
- A qualified alien who is on **ACTIVE DUTY IN THE ARMED FORCES** of the United States. A person on active duty for training does not qualify under this category. The spouse and unemancipated dependent children of the person on active duty may also qualify if they are qualified aliens and are considered to be household members.
- O **HMONG** and other **HIGHLAND LAO** tribal peoples who have been lawfully admitted to the U.S. for permanent residence, and who fought on behalf of the U.S. during the Vietnam conflict are considered Veterans and therefore are not subject to the five-year bar on eligibility. These individuals will not have documentation from the U.S. military or veteran's affairs showing that they fought for the US. They will need to self-report their involvement in the Vietnam Conflict.
- O VICTIMS OF A SEVERE FORM FOR TRAFFICKING, in accordance with 107(b)(1) or the Trafficking Victims Protection Act of 2000, P.L. 106-386.
- O **LEGAL PERMANENT RESIDENTS** who first entered the country under one of the exempt categories above and who later converted to LPR status.

If an alien entered the U.S. after August 22, 1996 and they do not meet one of the EXCEPTIONS listed above, they are eligible for emergency services only for five years from their date of entry. Continue to the next page for Step 4b2...

→STEP 4b2 ~ Entered after August 22. 1996 and does not meet an exemption to the 5 year bar.

If the immigrant entered the U.S. after August 22, 1996, and does not meet one of the exceptions listed on the previous page, they are subject to the 5 year bar and are eligible for emergency services only for five years from their date of entry.

- O Use the actual date of entry only to determine whether or not the five-year bar applies. This may or may not be the date on the person's USCIS alien registration card.
 - If you determine the five-year ban applies, always use the date on the alien registration card to determine the 5 year bar period.
- O If you have determined that the actual entry date was after Aug. 22, 1996, the 5-year bar applies. The person is not eligible for full Medicaid services for five years from the date that he or she obtained qualified alien status.
 - When applying the 5 year ban, always use the date on the immigrant's USCIS alien registration card to determine the 5 year bar period. This date may be different form the actual date of entry.
- O Qualified aliens who are subject to the five-year bar may be eligible only for emergency Medicaid services for five years from the date they obtained qualified alien status.

No Exemption ... Eligible Emergency Services ONLY!

ENTRY DATE OF QUALIFIED ALIEN FOR MEDICAID ELIGIBILITY

Applicable Effective Date is August 22, 1996

Person may only receive Emergency Medicaid.	No	Is the person a qualified alien or an SSI recipient?	Yes	into the	e person come e U.S. before 22, 1996?			Person may receive full Medicaid.
				No				
Was the person admitte INA?	d as a	refugee under section 2	207 of t	ne	Yes	Full Med	dicaid S	Services.
		No			_	_		
Was the person granted	m under section 208 of	nder section 208 of the INA?			Full Medicaid Services.			
		No						
Is the person's deportation 241(b)(3) of the INA?	on be	ing withheld under section	on 243(h) or	Yes	Full Med	dicaid S	Services.
		No						
Was the person granted	status	s as a Cuban and Haitia	a Cuban and Haitian entrant?			Full Medicaid Services.		
		No						
Was the person admitte	d as a	n Amerasian immigrant	?		Yes	Full Med	dicaid S	Services.
		No				•		
Is the person an Americ	an Ind	ian born in Canada?			Yes	Full Med	dicaid S	Services.
		No						
Is the person a veteran with an hon person a spouse, an unremarried s child of a veteran? Is the person a veteran?		ied surviving spouse, or	surviving spouse, or dependent		Yes	Full Medicaid Services.		
		No						
Is the person on active duty in the a spouse or dependent child of an duty for training does not qualify un		f an individual on active	individual on active duty? (Active		Yes	Full Medicaid Services.		
		No						
Does the person meet c	riteria	as a Victim of Traffickin	g?		Yes	Full Med	dicaid S	Services.
		No				•		
Person is NOT a qu	ualifi	ed alien - may only	rece	ive Em	ergen	cy Medi	caid.	

Quick Reference Alien Status Chart

The Quick Reference Alien Status Chart is another resource to help you determine if a person is a Qualified Alien. Match the alien's status code with the information provided on the chart to help you determine qualified alien status.

The status chart is found on the BES Eligibility On-Line web site. Once you enter the web site, click on Training ~ Charts ~ Alien Codes or use the link below for direct access.

http://health.utah.gov/eol/training/workbook/pdffiles/aliencodes.pdf

Sponsored Aliens

Sponsored aliens should know that they were required to have a sponsor.

Agency or Corporation Sponsor

No sponsor deeming. Do not deem the income or resources of a sponsoring agency or corporation.

- Individual Sponsor
 - Entry Date Prior to Dec. 19, 1997 No sponsor deeming.
 - ► Entry Date On or After Dec. 19, 1997 Sponsor deeming rules apply. When an alien who is required to have a sponsor applies for entry, or a change in status, on or after Dec. 19, 1997, their sponsor must sign a legally enforceable Affidavit of Support, Form I-864, with USCIS. (Sponsored aliens may not have a copy of the Affidavit of Support form.)

When the sponsor has signed an I-864, income from the alien's sponsor must be deemed to the alien when determining eligibility for Medicaid.

For Specific Sponsor Deeming information: See Medicaid Policy Section 403-14 or Sponsor Deeming Training Workbook



CODING QUALIFIED ALIENS ON PACMIS ETRC SCREEN

EA Eligible Alien

Conditional Entrant - I-94 Form stamped "Refugee Conditional Entry".

Asylee

- I-94 from USCIS and a letter establishing Asylee status granted under section 208.
- If now a permanent resident, Resident Alien Card will be coded AS6, AS7, or AS8.

Parolee

- Paroled into the U.S. under Sec. 212(d)5 of the INA Act for a period of at least one year.
- I-94 stating that he has been paroled under Sec. 212(d)5 of the INA or stamped "Cuban/Haitian Entrant (Status Pending) Reviewable January 15, 1981."

Deportation Withheld Under Section 243(h)

- If deportation is being withheld under another section of the INA, person is not a Qualified Alien.
- Will have order or letter from an Immigration judge.
- <u>Refugee</u> Use for PCN or if 8 months after entry date for refugee has expired.

IA Illegal Alien

Does not meet U.S. Citizenship or Qualified Alien requirements.

IM Immigrant Alien

OT Other/Undetermined

PR Permanent Resident

- Lawfully admitted for permanent residency.
- Will have an I-551 or I-151.
- Includes Amerasian immigrants. Amerasians will have an I-94 with class codes AM1, AM2 or AM3.

RF Refugee

"RF" Use this code until 8 months after the entry date has expired, for every Medicaid program except PCN. Use the "EA" code if 8 months after entry date has expired or eligible PCN only.

- Admitted to the U.S. under section 207.
- I-94 form from USCIS.
- If gained permanent resident status, the resident alien card will be coded RE6, RE7 or RE8.

SA Sponsored Alien

TA Temporary

US US Born or Naturalized

Note: When entering citizenship from the application into PACMIS, make sure you are not making assumptions about the person's citizenship. If their declaration does not conclusively put them in one of the available category choices on ETRC, us the OT code for Other/Undetermined.

VERIFICATIONS

Verify the alien status of individuals who are applying for Medicaid using the SAVE interface match. Ask the client to provide a copy of their alien registration card or any other documentation from USCIS so a SAVE query can be verified.

Do not require verification from a person who claims to be an illegal alien.

A person born in Canada who is at least ½ American Indian is considered a lawful permanent Resident. The only acceptable verification is a tribal records. There will be no USCIS documentation so there is no SAVE requirement.

Accept client statement for U.S. citizens unless their statement is questionable. If questionable, use the following acceptable verifications to determine citizenship status.

- Vital Records Birth Index System (check this first if born in Utah after 1976)
- Birth Certificate
- Form 125 Signed by Vital Records
- Hospital Record
- Church Records (must be dated within 3 months of date of birth)
- Receipt of SSI (SOLQ or SDX)
- Tribal Records
- U. S. Passport
- Naturalization Papers

Recipient of Social Security Benefits (SSDI, SSA)

CANNOT Be Used To Verify Citizenship/Alien Status

MISCELLANEOUS INFORMATION

- Medicaid Policy does not allow workers to "report" illegal aliens to USCIS.
- If you are having difficulty determining a person's status, talk to a policy specialists BEFORE contacting USCIS. The USCIS contact person regarding whether a person is here legally is: Allan Speirs, 5272 S. College Dr., #100, SLC, UT 84123.
- Mexican Consulate can offer assistance to Mexican Nationals with problems. ID cards issued by the Mexican Consulate to Mexican Nationals does not establish status in this country!
- What happens if illegal parents are deported with U.S. born children? It is the discretion of the parent. The parent can take them with them or make arrangements for someone to raise them here.
- Border Crosser card allows a person to come to visit, but not work. The card is good for up to 25 miles from the border for up to 72 hours. If they are going to be here longer or go farther they must get a I-94 card. Otherwise, they can be deported and will have their card revoked.
- Employers are usually quite motivated to be in compliance with USCIS because of the risk of loss of workforce if they are "raided". There are significant fines attached to these type of violations.
- If you know a Social Security card/number to be fraudulent, do not put the number on PACMIS. You may want to set a personal alert listing the number. The number should be entered on e-FIND when checking interface matches.

CITIZENSHIP QUESTIONS

Looking at Citizenship only, would the following people be eligible for Medicaid? Explain your answer.

1.	Ann was born in Guam and entered the country January 3, 2005.
2.	Marta was born in Germany and entered the U.S. in 1989. She became disabled and applied for SSI benefits. She was approved and started receiving SSI benefits on March 6, 1996. You verified her current payment amount on the Social Security Interface screen (SDX).
3.	Yen entered the U.S. as a refugee on June 30, 1996.
4.	Fred entered the U.S. as an Asylee on Aug. 23, 2004.
5.	David is a Conditional Entrant who entered the country on September 3, 2004.
6.	Sydney, age 5, was born in Australia. On Dec. 10, 1999 she was adopted by U.S. citizen parents and the family has been living in Salt Lake ever since. They applied for assistance on March 4, 2005. Does Sydney meet the U.S. citizenship qualifications for the month of March 2005?

CITIZENSHIP ANSWERS

Looking at Citizenship only, would the following people be eligible for Medicaid? Explain your answer.

1. Ann was born in Guam and entered the country January 3, 2005.

Yes. Individuals born in Guam are considered U.S. Citizens.

2. Marta was born in Germany and entered the U.S. in 1989. She became disabled and applied for SSI benefits. She was approved and started receiving SSI benefits on March 6, 1996. You verified her current payment amount on the Social Security Interface screen (SDX).

Yes. Marta is receiving an SSI payment and meets the criteria of a 'protected alien SSI recipient'. No further citizenship verification is required.

3. Yen entered the U.S. as a refugee on June 30, 1996.

Yes. Yen is a qualified alien. She entered the U. S. prior to Aug. 22, 1996.

4. Fred entered the U.S. as an Asylee on Aug. 23, 2004.

Yes. Fred is a qualified alien. He entered the country after Aug. 22, 1996, however, Asylees are exempt from the 5-year bar.

5. David is a Conditional Entrant who entered the country on September 3, 2004.

No. David entered the country after Aug. 22, 1996. He may only receive Emergency Medical assistance for 5 years from the entry date.

6. Sydney, age 5, was born in Australia. On Dec. 10, 1999 she was adopted by U.S. citizen parents and the family has been living in Salt Lake ever since. They applied for assistance on March 4, 2005. Does Sydney meet the U.S. citizenship qualifications for the month of March 2005?

Yes. She met all 5 required criteria for automatic citizenship in March 2005. Sydney became a permanent resident when she was adopted by U.S. citizen parents. At application, Sydney was living with her adoptive parents.

Continue Training with the following related courses:



- **★** Emergency Medicaid
- **★** Refugee Medicaid
- **★** SAVE
- **★** Sponsor Deeming